



EFW

PATENT
Attorney Docket No. A-67279-8/469443-00063/RFT/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

HORWITZ

Serial No.: 10/650,157

Filed: August 27, 2003

For: *Use of Cytokines and
Mitogens to Inhibit
Pathological Immune
Responses*

Group No. 1654

Examiner: Susan D. Coe

CERTIFICATE OF MAILING

I hereby certify that this correspondence and its listed enclosures are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date:

1/19/05

Signature:

Jessica Newlin
Jessical Newlin

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **University of Southern California** (hereinafter "USC"), represents that it is the assignee of the entire right, title, and interest of:

(1) the instant application, Serial No. 10/650,157, which is a continuation of U.S.S.N. 10/028/944, filed December 21, 2001, now U. S. Patent 6,797,267, which is a continuation of 09/564,436, filed May 4, 2000, now U.S. Patent No. 6,358,506, which claims the benefit of the filing date of U.S.S.N. 60/132,616, filed May 5, 1999, and is a continuation in part of U.S.S.N. 09/186,771, filed November 5, 1998, now U.S. Patent 6,228,359, which claims the benefit of the filing date of U.S.S.N. 60/064,507, filed November 5, 1997, and,

(2) Serial No. 10/028/944, filed December 21, 2001, now U. S. Patent No. 6,797,267, which is a continuation of 09/564,436, filed May 4, 2000, now U.S. Patent No. 6,358,506, which claims the benefit of the filing date of U.S.S.N. 60/132,616, filed May 5, 1999, and is a continuation in part of U.S.S.N. 09/186,771, filed November 5, 1998, now U.S. Patent 6,228,359, which claims the benefit of the filing date of U.S.S.N. 60/064,507, filed November 5, 1997.

Written assignment proof for Serial No. 09/564,436, filed May 4, 2000, now U.S. Patent No. 6,358,506, is recorded in the U.S. Patent and Trademark Office at Reel/Frame 011189/0191. A copy of the assignment is attached to this Terminal Disclaimer.

USC hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of Serial No. 10/028/944, now U.S. Patent No. 6,797,267.

USC hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, USC does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of Serial No. 10/028/944, now U.S. Patent No. 6,797,267, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent

jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record.

Dated: Jan 19, 2005

By: 

Name: Richard F. Trecartin

Telephone: (415) 781-1989

Also included herewith is the terminal disclaimer fee of \$65.00 under 37 C.F.R. 1.20(d). While Applicants believe that no other fees are due at this time, the Commissioner is authorized to charge any fees, including extension fees or any other relief that may be required, in connection with this reply to Deposit Account 50-2319 (Order No. A-67279-8/RFT/RMK/469443-63)